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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of the Suspension :
or Revocation of the License of : Administrative Action
MICHAEL F. PARISE, D.D.S. :
To Practice Dentistry :
in the State of New Jersey : CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") upon receipt of information that Michael F. Parise, D.D.S. (hereinafter "respondent") violated the terms and conditions of the Modified Consent Order filed with the Board office on November 21, 1996. Specifically, the Board received a written report from David I. Canavan, M.D., Medical Director of the Physicians' Health Program, Medical Society of New Jersey indicating that a urine specimen collected on November 21, 1996 tested positive for the presence of opiates. This

positive test result in and of itself constitutes a violation of the Consent Order. Respondent states that the presence of opiates in his urine is due to his ingestion of paregoric which he found in his travel kit from 1988, and which he took for his intestinal flu. Even if this statement is accurate, respondent has violated the Consent Order in that he is prohibited from possessing controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause, and such physician or dentist who prescribes medication which is a controlled dangerous substance must provide a written report to the Board together with patient records indicating the need for such medication.

Further information came to the Board in the form of a letter from Thomas J. Gulino, D.M.D. who works with/for respondent. Dr. Gulino states that respondent used Dr. Gulino's name and D.E.A number to prescribe a controlled dangerous substance to a patient on at least one occasion while Dr. Gulino was on vacation. Moreover, Dr. Gulino alleges that respondent must have also forged Dr. Gulino's signature on the prescription. Respondent's actions violate the Consent Order which required that he surrender to the Board his D.E.A. and C.D.S. registrations, and which prohibits respondent from prescribing controlled dangerous substances.

In order to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 7th ^{January} DAY OF ~~DECEMBER~~, 1996,

ORDERED THAT:

1. The State Board of Dentistry accept the voluntary surrender of respondent's license to practice dentistry in the State of New Jersey.

Upon his signing of this Consent Order, respondent shall immediately submit any and all wall certificates including, but not limited to, his dentistry license and C.D.S. and D.E.A. Registrations to the Board of Dentistry at 124 Halsey Street, 6th Floor, Newark, New Jersey 07102. Said voluntary surrender shall have the same force and effect as if his license had been revoked, and respondent shall immediately cease and desist any practice of dentistry. In addition, respondent shall observe the provisions of the directives for dentists whose licenses have been suspended or revoked, a copy of which is attached hereto and made a part hereof.

2. In the event respondent wishes to petition the Board for reinstatement of his license to practice dentistry in the State of New Jersey, he shall be granted leave to appear personally before the Board, and he shall have the burden to demonstrate to the satisfaction of the Board that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare. The Board shall not entertain any petition of respondent for reinstatement of the license to practice dentistry prior to one year from the time this Consent Order is filed in the Board office.

3. Respondent's application for reinstatement shall be supported by evidence that he has continued his enrollment in the Physicians' Health Program (PHP) and complied with the monitoring program supervised by PHP as outlined in the November 21, 1996 Consent Order. Further as outlined in the November 21, 1996 Consent Order, respondent shall attend support groups, attend individual therapy, meet with the staff of PHP, and cause the relevant reports to be sent to the Board as described in the November 21, 1996 Consent Order.

4. Respondent shall submit to a psychological and /or medical evaluation by a Board appointed consultant prior to requesting reinstatement of licensure. Respondent shall be responsible for the fee for the consultant for the evaluation and reports.

5. Respondent shall sign the necessary releases of information and/or cause and permit the staff or other designee of the Physicians' Health Program, or any other person or entity treating the respondent for drug addiction or related problems to disclose to the Board any evaluation it has made of the respondent as well as any recommendations and any other pertinent information. This shall include advising the Board of any and all programs in which respondent engages, including urine monitoring, and keeping the Board advised as to respondent's progress and successful completion on an on-going basis.

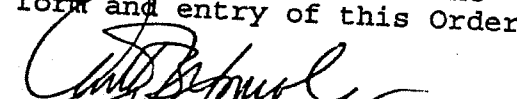


ANTHONY M. VILLANE, JR., D.D.S.
President,
State Board of Dentistry

I have read and understand
the within Order and agree
to be bound by its terms.
Consent is hereby given to
entry of this Order.


MICHAEL F. PARISE, D.D.S.

I hereby consent as to the
form and entry of this Order.


ANTHONY B. VIGNUOLO, ESQ.
Attorney for Respondent

**DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from ~~the use of name of disciplined licensee~~ furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.